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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 SECURITIES AND EXCHANGE
18 COMMISSION,

19 Plaintiff,

20 v.

21 MATTHEW WADE BEASLEY; et. al.

22 Defendants;

23 THE JUDD IRREVOCABLE TRUST; et. al.

24 Relief Defendants.

Case No. 2:22-cv-00612-CDS-EJY

**TENTH QUARTERLY REPORT OF
RECEIVER GEOFF WINKLER**

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Geoff Winkler of American Fiduciary Services, LLC (the “Receiver”), the Court-appointed receiver for Defendants J&J Consulting Services, Inc., an Alaska corporation; defendant J&J Consulting Services, Inc., a Nevada corporation; and J and J Purchasing LLC (collectively, the “J&J Entities”), as well as the Wells Fargo Interest on Lawyers’ Trust Account ending in 5598 in the name of defendant Beasley Law Group PC, and Relief Defendants the Judd Irrevocable Trust; PAJ Consulting Inc.; BJ Holdings LLC; Stirling Consulting LLC; CJ Investments, LLC; JL2 Investments, LLC; Rocking Horse Properties, LLC; Triple Threat Basketball, LLC; ACAC LLC; Monty Crew LLC, and the assets of Defendants and Relief Defendants Matthew Wade Beasley, Jeffrey J. Judd, Christopher R. Humphries, Shane M. Jager, Jason M. Jongeward, Denny Seybert, Roland Tanner, Larry Jeffery, Jason A. Jenne, Seth Johnson, Christopher M. Madsen, Richard R. Madsen, Mark A. Murphy, Cameron Rohner, Warren Rosegreen, and Anthony Michael Alberto, Jr. (collectively, the “Receivership Defendants” or “Receivership Entities”)¹, submits this Tenth Quarterly Report (“Report”) for the period from July 1, 2024 through September 30, 2024 (“Reporting Period”) in accordance with the Orders of this Court and Local Rule 66-4(b).

I. INTRODUCTION

As reflected in the Court's record and discussed further in this Report, this Court authorized, empowered, and directed the Receiver to, among other things: (1) assume exclusive authority and control over the Receivership Entities; (2) conduct such investigation and discovery as necessary to identify and locate outstanding assets of the Receivership Entities; and (3) preserve and prevent the dissipation of such assets.

As detailed herein, since the entry of this Court's Order Appointing Receiver (ECF No. 88) and Order Amending Receivership Order (ECF No. 207) (collectively, the “Appointment Order”), the Receiver has made substantial progress, particularly in connection with assuming control over the Receivership Entities, identifying and marshaling their assets for the benefit of the receivership estate and its creditors, including investors in the alleged Ponzi investment

¹ On July 29, 2022, this Court entered an order expanding the original receivership order to apply to additional defendants (*see* ECF No. 207).

1 scheme which precipitated the Receiver's appointment and the forensic accounting efforts.
2 However, because the Receiver's work is ongoing, the conclusions presented in this Report are
3 presently deemed to be preliminary and are subject to modification or amendment as more
4 information becomes available to the Receiver. As of the date of this Report, the Receiver's
5 investigation and accounting are still in process and he has not arrived at any definitive
6 conclusions, including as to certain allegations made by the Plaintiff Securities and Exchange
7 Commission (the "Commission" or "SEC") in the above-entitled matter.

8 **II. SUMMARY OF THE RECEIVER'S OPERATIONS (LR 66-4(b)(1))**

9 **A. THE RECEIVER'S INVESTIGATION AND MARSHALLING OF**
10 **ASSETS**

11 During the Reporting Period, the Receiver and his professionals continued to work with
12 certain Defendants, their respective counsel, and third parties believed to be in possession of
13 Receivership Entity assets or records, to arrange for the turnover of assets, as well as to recover
14 critical documentation relating to the business and financial activities of the Receivership Entities
15 (including bank statements and other financial documents), communications with investors, and
16 other information pertinent to the Receiver's duties. Since the employment of special counsel and
17 consultant for the purposes of prosecuting litigation against Wells Fargo Bank ("Wells Fargo")
18 (see ECF Nos. 470 and 471)², the Receiver has worked diligently with his special litigation
19 counsel to assemble critical evidence in support of the Receiver's claims, and otherwise assist in
20 the prosecution of the claims against the banking institution ("Wells Fargo Action") including the
21 preparation of an expert report as further detailed below.

22 The Receiver and his counsel have likewise continued to work to obtain full compliance
23 with the Appointment Order, including, but not limited to, with respect to the turnover of funds
24 transferred by the Receivership Defendants to attorneys in the pre-receivership period. Although
25 the majority of attorneys and defendants have complied with the Receiver's requests and this
26 Court's orders, during a previous reporting period this Court entered orders finding Aaron
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² See also ECF Nos. 455, 457, 458, 459, 460, 480, 482.

1 Grigsby in contempt and ordering him to turnover \$405,302.40 to the Receiver and further
2 indicated it was inclined to grant fees and costs associated with the Receiver's efforts that
3 ultimately led to the contempt findings (ECF Nos. 671, 621, 625). Grigsby has filed an appeal
4 with the Ninth Circuit which has been fully briefed. Additionally, the Receiver recently filed an
5 Application for Judgment Debtor's Examination and Discovery in Aid of Execution Against
6 Aaron Grigsby (ECF No. 719/720).

7 The Receiver continues to obtain and review documents provided by the Receivership
8 Defendants in accordance with stipulations on file with the Court. Defendant Chris Humphries
9 continues to timely submit required documentation. Other Receivership Defendants are not
10 currently in compliance with existing stipulations. The Receiver will continue to press these
11 parties to make timely productions of all required information but reserves the right to petition
12 the Court for further instructions should additional unwarranted production delays continue.

13 As detailed in Section III, below, the Receiver has also successfully secured real and
14 personal property.

15 The Receiver's ongoing investigation has resulted in the discovery of additional assets,
16 which the Receiver believes can be successfully monetized for the benefit of the receivership
17 estate. The Receiver and his counsel continue to work on valuations and negotiations for each of
18 these assets, as well as investigating other assets of potential value to the estate.

19 **1. Ongoing Discovery and Document Recovery Efforts**

20 During the Reporting Period, the Receiver served additional document subpoenas and
21 undertook continued follow-up efforts in connection with multiple outstanding subpoenas,
22 notably to Wells Fargo. The Receiver's follow-up efforts required extensive secondary document
23 review efforts, followed by specific, targeted discussions – directly and through counsel – with
24 parties responding to existing subpoenas or making supplemental document productions. As a
25 result of his efforts, the Receiver continues to secure new or additional materials from Wells
26 Fargo and other financial institutions relating to the business and financial activities of the
27 Receivership Entities. As previously noted, these efforts have yielded thousands of pages of
28 additional materials for the Receiver's review and analysis which was necessary for the

1 Receiver's expert report in the Wells Fargo Action and will be utilized as part of the claims
2 process herein.

3 **2. Recent Asset Recovery Efforts.**

4 As reflected in the Receiver's prior submissions, the Receiver's efforts to identify and
5 recover available assets for the benefit of the receivership estate have been remarkably successful.
6 As of the date of this Report, the Receiver has recovered assets worth an estimated aggregate of
7 as much as \$196,316,960. His efforts to identify and recover additional outstanding assets
8 continue. Among other things, the Receiver has identified at least four significant insurance
9 policies held for the benefit of one of the individual defendants, which policies were purchased
10 and paid for with funds diverted from investors.

11 Earlier this year, the Receiver submitted turnover demands to Mass Mutual, Forethought
12 Insurance, and Prudential Insurance for the surrender value of those policies. Based on the
13 information presently available to the Receiver, he believes the aggregate surrender value of the
14 policies in issue to be more than \$3 million. As of the date of this report, Mass Mutual has turned
15 over the value of the policies it was administering, totaling approximately \$483,000. Forethought
16 Insurance has committed to making the requested turnover and the Receiver is in discussions
17 regarding the mechanics of the anticipated turnover, as some of the company's policies and
18 procedures have proved to be cumbersome given the nature of the turnover. Nonetheless, the
19 Receiver remains confident that the turnover will be forthcoming in the near term.

20 The Receiver's efforts to streamline the turnover process with Prudential Insurance has
21 been met with unnecessary procedural obstructionism. The Receiver has authorized his counsel
22 to make a final effort with Prudential Insurance to facilitate the turnover but, in the event that
23 Prudential Insurance continues to be un insufficiently responsive, he reserves the right to petition
24 this Court for an order to show cause re: civil contempt for violation of the Appointment Order.

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1 **B. INVESTOR AND CREDITOR COMMUNICATION**

2 The Receiver has maintained and regularly updated the receivership website
3 (<http://www.jjconsulting-receivership.com>) for investors and creditors to access information
4 regarding this case. Additionally, the Receiver and his professionals have continued to review
5 investor lists provided by the Receivership Defendants and have collected additional registration
6 forms directly from investors. An updated investor list will be submitted to the court, in camera,
7 contemporaneously with the submission of this Report. The total number of investors identified
8 by the Receiver is 1,149³. Any investors that have not yet registered to receive updates on the
9 receivership may do so by visiting www.jjconsulting-receivership.com/register. The Receiver's
10 team will continue to send monthly updates regarding the receivership to all registrants.

11 **C. THE RECEIVER'S FORENSIC ACCOUNTING ACTIVITIES**

12 As of the date of this report, the Receiver continues a comprehensive review of 606 bank
13 and brokage accounts covering the five-year pre-receivership period to date. The number of
14 accounts decreased from 616 in the prior reporting period due to this review and the identification
15 of non-related accounts and entities. The Receiver's team review includes compiling and
16 digitizing statements and supporting materials, analyzing, and categorizing digitized bank
17 transactions, bank statements, check images, and wire details, amongst other bank
18 documentations, and then comprehensively compiling audited transactions into an accounting
19 environment with a unitary chart of accounts.

20 Of the 606 accounts identified to date, 95.8% have been reviewed and analyzed, 1.3% are
21 in process and 2.8% are pending additional documentation to proceed. The Receiver's forensic
22 accounting team has identified investor flows and transfers between defendants in 173 of these
23 accounts and is using this data set as the basis for the findings used to prepare the Forensic
24 Accounting Report. The Receiver's forensic accounting team is currently cross-referencing all
25 bank data with defendants' investor lists, investor questionnaires and interviews with defendants
26 and has completed interviews with 13 of the 16 named defendants.

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28 ³ This number is inclusive of self-reported information from investors and does not currently contain forensic accounting estimates of new investors.

1 In total, the Receiver believes that over 1,250 investors invested over \$530 million in the
2 J&J investment scheme and anticipates over 900 claims totaling in excess of \$240 million.

3 As noted in prior reports, in addition to facilitating his identification and recovery of
4 available assets, the Receiver also anticipates that his forensic accounting will provide a
5 foundation for an eventual claims process in this matter and enable him to identify with improved
6 accuracy which investors lost money because of their investments in the Receivership Entities,
7 and which did not. The Receiver will address a prospective claims process in a future report.

8 **D. ADDITIONAL RECEIVERSHIP ADMINISTRATION ACTIVITIES**

9 **1. Personal Property Sales**

10 The Car Consultant, Inc. is employed by the Receiver to safely store and sell personal
11 property of the receivership. No personal property sales were closed during the Reporting Period.

12 **2. Real Property Sales**

13 This Court has granted the Real Property Sale Motion (ECF No. 224), and the Receiver
14 was given authorization from the court to employ professionals to assist in the sale of real
15 properties (ECF No. 302). Properties in Nevada are being listed by Joe DiRaffaele, and properties
16 in California and Utah are being listed by Todd Wohl. The Receiver was given authorization to
17 employ a new professional, Zar Zanganeh, for the sale of the real property at 16 Paradise Valley
18 (ECF No. 626), which was finalized in the Reporting Period. After closing costs, the net proceeds
19 were \$2,645,577.87.

20 **III. INVENTORY OF ASSETS AND ESTIMATE OF VALUE (LR 66-4(b)(2))⁴**

21 From July 1, 2024, to September 30, 2024, the Receiver was able to recover approximately
22 \$2,872,981.59 in cash. The Receiver holds multiple types of assets ranging in value at the end of
23 the Reporting Period. These include \$12,951,293 in real property, \$752,622 in personal property,
24 \$100,551,889 in estimated litigation value, and \$11,178,427 in private equity investments.

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28 ⁴ This is not an all-inclusive list of the real properties to which the Receiver has secured possession during this period. The Receiver has secured possession of additional properties that are not public at this time because they are inhabited or cannot be publicly disclosed for other privacy reasons.

1 The Standardized Fund Accounting Report for the Reporting Period is attached to this
2 report as **Exhibit A**.

3 **IV. SCHEDULE OF RECEIVER'S RECEIPTS & DISBURSEMENTS (LR 66- 4(b)(3))**

4 See **Exhibit B**, **Exhibit C**, and **Exhibit D** for complete lists of transactions.

5 In addition to the foregoing, please see the Standardized Financial Accounting Report
6 attached as **Exhibit A**, and the Summary Cash Flow Statement and Summary Balance Sheet
7 attached as **Exhibit E**.

8 **V. CURRENT AND FUTURE LITIGATION**

9 **A. *Ninth Circuit Appeal Relating to Aaron Grigsby***

10 As referenced in prior status report, attorney Aaron Grigsby filed an appeal with the Ninth
11 Circuit, Case No. 24-628, relating to this Court's order finding him in civil contempt for failing
12 to comply with court orders and requiring the turnover of Receivership Assets ("Grigsby
13 Appeal"). The Receiver filed an answering brief on August 23, 2024 and Mr. Grigsby filed a
14 reply brief on September 16, 2024. The Grigsby Appeal is fully briefed.

15 Mr. Grigsby also filed a motion to stay this Court's December 28, 2023 Order. On
16 May 23, 2024, the Ninth Circuit denied the motion to stay.

17 Mr. Grigsby has yet to turnover any funds to the Receiver and/or pay the fines imposed
18 by the Court that continue to accrue due to his noncompliance. As a result of the same, the
19 Receiver recently filed an Application for Judgment Debtor's Examination and Discovery in Aid
20 of Execution Against Aaron Grigsby (ECF No. 719/720).

21 **B. *Wells Fargo Litigation***

22 On May 24, 2023, the Receiver brought suit against Wells Fargo Bank. The Receiver
23 claims that Wells Fargo aided and abetted Beasley's fraud and his breach of fiduciary duties under
24 the Beasley Law Firm IOLTA. The Receiver alleges that Wells Fargo had knowledge of the fraud
25 but nonetheless continued to substantially assist Beasley. Wells Fargo filed an answer to the
26 Complaint denying the claims. Mediation sessions with Wells Fargo were held October 24, 2023,
27 and February 29, 2024. No agreement was reached. The case is now nearing the end of the
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1 discovery phase, with depositions actively being taken and expert reports exchanged. The case
2 schedule indicates a 2025 trial.

3 ***C. Future Third Party Litigation and Clawback Actions***

4 The Receiver continues to evaluate additional avenues to recover funds for the
5 Receivership Estate and continues to investigate potential targets where third party litigation
6 and/or claw-back proceedings would be appropriate. As additional information is reviewed and
7 developed and third parties identified, the Receiver will update the Court regarding his findings
8 and intended next steps.

9 ***D. Monitoring of Proceedings Brought Against Named Defendants***

10 At various times throughout this proceeding, the Receiver has been notified of actions
11 brought against several of the Individual Defendants seeking recovery based on claims similar to
12 those asserted by the Commission herein. In such circumstances, the Receiver has reached out
13 the attorneys involved and requested those matters be stayed based on the preliminary injunction
14 order appointment order entered herein. At this juncture, the parties involved have worked
15 cooperatively with the Receiver to ensure stays in other proceedings.

16 **VI. CONTEXT FOR THE RECEIVER'S APPLICATION FOR PAYMENT OF FEES**
17 **AND EXPENSES FOR THE REPORTING PERIOD**

18 The Receiver has addressed the high workload needed in previous status reports and
19 encourages review of the previous reports for additional details. In summary, there is an
20 unprecedented lack of data available to aid in the forensic accounting in this case. The J&J
21 Enterprises had essentially no books of account nor database that identifies investors and provides
22 information on the amount and timing of their "investments" and any distributions returning funds
23 to investors; and there is not a dedicated operational or "clearing" account through which investor
24 funds flowed. American Fiduciary Services was required to obtain documents from primary
25 sources before the Receiver could understand the structure of the J&J side of the picture before
26 forensic accounting could meaningfully start.

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1 Although the Receiver has completed a tremendous amount of work on the forensic
2 accounting, there is work remaining, as described in Section II.C above. The Receiver estimates
3 that the forensic accounting report will be completed by no later than March 31, 2025. While the
4 Receiver anticipates that expenses associated with the accounting will begin to taper off in the
5 next reporting period, the forensic accounting and associated expert services for the Wells Fargo
6 Litigation will continue to be a material expense for the Estate.

7 **VII. RECOMMENDATION OF THE RECEIVER (LR 66-4(b)(5))**

8 At this juncture, the Receiver initially concluded that J&J Consulting was not operating a
9 viable business and was quickly dissipating investor funds. So that the Receiver can continue to
10 identify assets and claims and pursue them for the benefit of the receivership estate, the Receiver
11 recommends that the receivership continue.

12 **VII. CONCLUSION AND REQUESTED RELIEF**

13 Assuming the Court authorizes the Receiver to undertake the actions recommended
14 herein, as well as to continue those actions provided for in the Appointment Order, any
15 amendments thereto and any subsequent orders, the Receiver proposes submitting further interim
16 reports to this Court, addressing his progress, findings, final conclusions, and additional
17 recommendations, approximately every 90 days. Accordingly, and based on the foregoing, the
18 Receiver respectfully requests that the Court enter an order:

- 19 1. Accepting this Report;
- 20 2. Authorizing the Receiver to continue to administer the Receivership Entities and
21 their estate in accordance with the terms of the Appointment Order;
- 22 3. Authorizing the Receiver to undertake the recommendations presented herein,
23 including a continued engagement of those professionals he deems necessary for the proper
24 administration of the Receivership Entities and their estate; and

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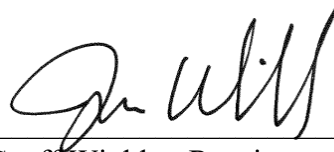
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1 4. Providing such other and further relief as the Court deems necessary and
2 appropriate.

3 I, Geoff Winkler, verify under penalty of perjury that the statements made in the foregoing
4 report are true and correct to the best of my knowledge.

5 DATED this 6th of November, 2024



Geoff Winkler, Receiver

8 Submitted this 6th day of November, 2024.

9 **GREENBERG TRAURIG, LLP**

10 */s/ Kara B. Hendricks*

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19 *Attorneys for Receiver Geoff Winkler*

CERTIFICATE OF SERVICE

I hereby certify that, on the 6th day of November, 2024, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF NO. system. Notice of filing will be served on all parties by operation of the Court's CM/ECF NO. system, and parties may access this filing through the Court's CM/ECF NO. system.

/s/ Evelyn Escobar-Gaddi

An employee of GREENBERG TRAURIG, LLP

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A	STANDARDIZED FUND ACCOUNTING REPORT
B	EAST WEST BANK RECEIVERSHIP ACCOUNT REGISTER (A/E 0050)
C	EAST WEST BANK RECEIVERSHIP ACCOUNT REGISTER (A/E 0064)
D	EAST WEST BANK RECEIVERSHIP ACCOUNT REGISTER (A/E 0043)
E	SUMMARY OF CASH FLOW STATEMENT